

REMARKS

In response to the Notice of Non-Compliant Amendment dated October 24, 2006, Applicant respectfully request that this Substitute Amendment be entered to replace the prior Amendment/Response to Restriction Requirement filed January 7, 2005 (received January 12, 2005).

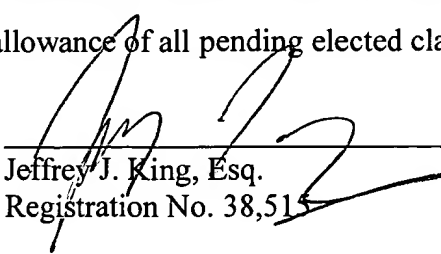
The Notice of Non-Compliant Amendment alleges that Applicant's prior Amendment/Response to Restriction Requirement was missing page 13, and on this basis the claims were allegedly not in ascending numerical order. Applicant's representative has reviewed the file and confirmed that the prior Amendment/Response to Restriction Requirement was submitted with 17 pages, inclusive of page 13, whereby it is respectfully submitted that the Office misplaced page 13 of that submission. No other deficiencies are noted in the prior Amendment/Response to Restriction Requirement that would warrant a finding of non-compliance. On this basis, Applicant respectfully requests that the Office attribute the resulting delay in processing this application to PTO error and consider this delay in determining any Patent Term Adjustment for this application.

As noted in the January 7, 2005 Amendment/Response, claims 1-58 were restricted into the following three groups:

- I. Claims 1-20, 51-58 drawn to a composition.
- II. Claims 21-49, drawn to a method of using.
- III. Claims 50, drawn to a method of making.

Applicant elects Group I, consisting of Claims 1-20, 51-58, for prosecution at this time. This election is made with traverse, and no representations are made concerning the merits of the Restriction Requirement with respect to the possible existence of multiple distinct inventions among the previously presented claims. Applicant reserves the right to pursue the subject matter of all non-elected claims in one or more related applications. Applicant respectfully requests allowance of all pending elected claims.

Date: November 20, 2006



Jeffrey J. King, Esq.
Registration No. 38,515